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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/756,283	01/09/2001	Yuti Chernajovsky	0623.1000000/LLB/PAJ 5963	
26111 7	11 7590 03/01/2004		EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W.			ANDRES, JANET L	
WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
			1646	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/756,283	CHERNAJOVSKY ET AL.			
		Examiner	Art Unit			
		Janet L. Andres	1646			
The MAILING DA	ATE of this communication app	pears on the cover sheet with the c	correspondence address			
THE MAILING DATE C - Extensions of time may be averafter SIX (6) MONTHS from the control of the	OF THIS COMMUNICATION. ailable under the provisions of 37 CFR 1.1 be mailing date of this communication. I above is less than thirty (30) days, a replied above, the maximum statutory period or extended period for reply will, by statute the later than three months after the mailing	Y IS SET TO EXPIRE 3 MONTH(36(a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE g date of this communication, even if timely filed	nely filed /s will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1) Responsive to co	ommunication(s) filed on 10 D	ecember 2003.				
2a) This action is FIN						
3) Since this applica	—					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) <u>27,</u> 30-5	0 and 52 is/are pending in the	application.				
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	Claim(s) <u>27,30-44,50 and 52</u> is/are allowed.					
6)⊠ Claim(s) <u>45-49</u> is	Claim(s) <u>45-49</u> is/are rejected.					
7) Claim(s) is	s/are objected to.					
8) Claim(s) a	re subject to restriction and/o	r election requirement.				
Application Papers			•			
9) The specification	s objected to by the Examine	r.				
	•	: a) ☐ accepted or b) ☐ objected	to by the Examiner.			
		drawing(s) be held in abeyance. See	-			
		ion is required if the drawing(s) is obj	* *			
		aminer. Note the attached Office				
Priority under 35 U.S.C. §	119					
a) ☐ All b) ☐ Some 1. ☐ Certified co 2. ☐ Certified co 3. ☐ Copies of to	e * c) None of: pies of the priority documents pies of the priority documents ne certified copies of the prior	s have been received in Application ity documents have been received	on No			
	from the International Bureau					
" See the attached d	etailed Office action for a list (of the certified copies not receive	d.			
Attachment(s)						
1) The Notice of References Cited	(PTO-892)	4) Interview Summary	(PT∩_413).			
2) 🔀 Notice of Draftsperson's Pa	tent Drawing Review (PTO-948)	Paper No(s)/Mail Da	te			
 Information Disclosure State Paper No(s)/Mail Date 	ement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal Pa	atent Application (PTO-152)			
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Application/Control Number: 09/756,283

Art Unit: 1646

RESPONSE TO AMENDMENT

1. Applicant's amendment filed 10 December 2003 is acknowledged. Claims 27, 30-50, and 52 are pending and under examination in this application. The text of those sections of Title 35, U.S. Code, not included in this action can be found in a prior office action.

Drawings

2. New corrected drawings are required in this application; see the attached Notice of Draftperson's Review. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections Withdrawn

- 3. The objection to claim 52 is withdrawn in response to Applicant's amendment.
- 4. The rejection of claims 27, 30-33, and 51 under 35 U.S.C. 112, first paragraph, is withdrawn in response to Applicant's amendment limiting the claims to anti-inflammatory interleukins.

New Grounds of Rejection

5. Claims 45-49 are newly rejected under 35 U.S.C. 112, first paragraph, while being enabling for methods using type I interferons, does not reasonably provide enablement for methods using type II interferons. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Art Unit: 1646

The claims are drawn to methods of treating inflammation using interferons. However, while type I interferons share anti-inflammatory properties, the type II interferon, interferon γ , is pro-inflammatory. See Renauld, Nature Reviews in Immunology, 2003, vol. 3, pp-667-676. Renauld describes interferon-γ on p. 667, column 1, and p. 670, column 1. Thus one of skill in the art would not predictably be able to use it as an anti-inflammatory agent.

CLAIMS 27, 30-44, 50 AND 52 ARE ALLOWED. CLAIMS 45-49 ARE REJECTED.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Andres whose telephone number is 571-272-0867. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Andres, Ph.D. 25 February 2004